

REMARKS

Claims 1-13 have been examined. Claims 1-12 have been rejected under 35 U.S.C. § 103(a). Also, the Examiner has indicated that claim 13 contains allowable subject matter.

I. Preliminary Matters

The Examiner maintains that the Information Disclosure Statement, submitted on February 6, 2001, fails to comply with the provisions of 37 C.F.R. § 1.97, 98 and MPEP §609 because a concise statement of relevancy was allegedly not provided. The Examiner acknowledges that the International Search Report was filed with the IDS, but maintains that it does not provide a sufficient understanding of the German documents.

As noted, however, in MPEP §609(III)(A)(3), “Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance **can be satisfied** by submitting an English-language version of the **search report or action which indicates the degree of relevance found by the foreign office**. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an “X”, “Y”, or “A” indication on a search report.” (emphasis added).

Applicant submitted a copy of an International Search Report on February 6, 2001, indicating the degree of relevance found by the European Patent Office, and thereby satisfied the concise explanation requirement. In particular, the concise explanation enables the Examiner to

determine the page, column and line numbers cited in the documents, as well as the description of the category of the cited document.

Thus, Applicant submits that the International Search Report initially filed with the February 6, 2001 Information Disclosure Statement satisfied the concise explanation requirement.

For the Examiner's convenience, Applicant is enclosing herein a courtesy copy of the Search Report filed with the February 6, 2001 Information Disclosure Statement, as well as a new PTO 1449 form listing the two references at issue. Applicant respectfully requests the Examiner to indicate acknowledgement of these references, by returning an initialed PTO 1449 form with the next Office Action.

Also, since the International Search Report initially filed with the February 6, 2001 Information Disclosure Statement satisfied the concise explanation requirement, Applicant submits that the courtesy copy of all the IDS documents originally filed does not restart the date of submission for purposes of determining compliance with the IDS requirements.

II. Rejections under 35 U.S.C. § 103(a) in view of U.S. Patent No. 6,360,277 to Ruckley et al. ("Ruckley") in view of U.S. Patent No. 5,351,243 to Kalkunte et al. ("Kalkunte").

The Examiner has rejected claims 1-2 and 7-8 under 35 U.S.C. § 103(a) as being unpatentable over Ruckley in view of Kalkunte.

A. **Claim 7** (Applicant is addressing the claims in the order addressed by the Examiner)

Applicant submits that claim 7 is patentable over the cited references. For example, claim 7 recites a first active communication participant, assigned to a first master system, that is configured to form a message comprising a header and message data and to transmit the message over a bus system. Claim 7 further recites a passive communication participant that is connected to the bus system and assigned to a second master system, and configured to detect the message transmitted from the first master system. In other words, claim 7 recites a communication system for communication between an active communication participant of a first master system and a passive communication participant of a second master system.

The Examiner maintains that Ruckley discloses the above features. In particular, the Examiner cites to col. 3, lines 48-61 of the reference. However, the cited portion is merely a definition of PROFIBUS as a master/slave system. As disclosed, a master can send messages, and a slave device can only acknowledge or receive messages and send messages to the master when requested (col. 3, lines 50-58). Nevertheless, the brief disclosure is only directed to a slave and its *respective* master. The reference fails to teach or suggest the possibility of communication from a first master system to a slave of a second master system, as recited in claim 7. Rather, as stated above, the cited disclosure is merely a brief definition of a conventional master/slave system. Accordingly, Ruckley fails to teach or suggest the concept of the present invention.

The Examiner further cites to the Kalkunte reference. However, Kalkunte fails to cure the deficient teachings of Ruckley in regard to the claimed master/slave system, as set forth above. Rather, Kalkunte is merely directed to monitoring packets on a local area network (col. 1, lines 6-9). Thus, even if combined, the references fail to disclose the features of claim 7.

Based on the foregoing, Applicant submits that claim 7 is patentable over the cited references, and respectfully requests the Examiner to reconsider and withdraw the rejection.

In addition, claim 7 further recites that message data is made available to an application, when the header data matches the filter table data entries.

On pgs. 4 and 5 of the present Office Action, the Examiner takes Official Notice that such feature is well known in the art. However, if the Examiner elects to maintain the rejection, Applicant respectfully requests the Examiner to cite to a reference in support of his position.

B. Claim 8

Since claim 8 is dependent upon claim 7, Applicant submits that claim 8 is patentable at least by virtue of its dependency.

C. Claims 1 and 2

Since claim 1 contains features that are analogous to the features recited in claim 7, Applicant submits that claim 1 is patentable at least for analogous reasons as claim 7.

Further, since claim 2 has been canceled, without prejudice or disclaimer, and the subject matter of claim 2 has been incorporated into claim 1, Applicant submits that the rejection of claim 2 is now moot.

III. Rejection under 35 U.S.C. § 103(a) in view of Ruckley, Kalkunte and Stevens (TCP/IP Illustrated Publication) (“Stevens”).

The Examiner has rejected claims 3, 4, 8, 10 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Ruckley, Kalkunte and Stevens.

A. Claims 3 and 4

Since claims 3 and 4 are dependent upon claim 1, and Stevens fails to cure the deficient teachings of Ruckley and Kalkunte, in regard to claim 1, Applicant submits that claims 3 and 4 are patentable at least by virtue of their dependency.

B. Claims 8, 10 and 11

Since claims 8, 10 and 11 are dependent upon claim 7, and Stevens fails to cure the deficient teachings of Ruckley and Kalkunte, in regard to claim 7, Applicant submits that claims 8, 10 and 11 are patentable at least by virtue of their dependency.

IV. Rejection under 35 U.S.C. § 103(a) in view of Ruckley, Kalkunte and U.S. Patent No. 5,592,611 to Midgely et al. (“Midgely”)

The Examiner has rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Ruckley, Kalkunte and Midgely. However, since claim 5 is dependent upon claim 1, and Midgely fails to cure the deficient teachings of Ruckley and Kalkunte in regard to claim 1, Applicant submits that claim 5 is patentable over the cited references at least by virtue of its dependency.

V. Rejection under 35 U.S.C. § 103(a) in view of Ruckley, Kalkunte, Midgely and U.S. Patent No. 5,864,677 to Van Loo (“Van Loo”).

The Examiner has rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Ruckley, Kalkunte, Midgely and Van Loo. However, since claim 6 contains features that are analogous to the features discussed above in regard to claim 7, and Midgely and Van Loo fail to cure the deficient teachings of Ruckley and Kalkunte, in regard to claim 7, Applicant submits that claim 6 is patentable over the cited references for at least analogous reasons as presented above for claim 7.

VI. Rejection under 35 U.S.C. § 103(a) in view of Ruckley, Kalkunte, Stevens and U.S. Patent No. 5,351,243 to Wilford et al. (“Wilford”).

The Examiner has rejected claims 9 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Ruckley, Kalkunte, Stevens and Wilford. However, since claim 9 and 12 are dependent upon claim 7, and Wilford fails to cure the deficient teachings of Ruckley and Kalkunte, in regard to claim 7, Applicant submits that claims 9 and 12 are patentable at least by virtue of their dependency.

VII. Double Patenting Rejection

The Examiner has rejected claims 1, 2, 7 and 8 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 5 of U.S. Patent No. 6,687,551 to Steindl (“Steindl”). However, Applicant submits that the claims are patentably distinct from each other. For example, claim 5 of Steindl is directed to the communication between two passive communication subscribers (col. 10, lines 2-4). On the other hand, claims 1, 7 and 8 are directed to the communication between a *first* master system (i.e. active subscriber) and the slave (i.e. passive communication subscriber) of a *second* master system. Claim 5 of Steindl does not discern between the different active communication subscribers, nor does it indicate whether the transmitted data item is sent to a passive subscriber of a different active subscriber (i.e. a slave of a *second* master system), as recited in the claims of the present invention. Rather, claim 5 of Steindl is concerned with direct communication between a

listening communication subscriber (i.e. a passive subscriber) and another passive subscriber
(col. 9, line 22 to col. 10, line 4).

In view of the above, Applicant submits that claims 1, 7 and 8 are patentably distinct from claim 5 of Steindl, and respectfully requests the Examiner to reconsider and withdraw the rejection. Since claim 2 has been canceled, without prejudice or disclaimer, Applicant submits that the rejection of claim 2 is now moot.

VIII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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